

Message Text

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60

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SUBJECT: OUTER SPACE LEGAL -- GENERAL DEBATE AND
REGISTRATION CONVENTION

1. SUMMARY: MAY 8 SAW CONTINUATION IN OUTER SPACE LEGAL
SUBCOMMITTEE OF GENERAL DEBATE AND INTRODUCTION IN RE-
GISTRATION WORKING GROUP OF CANADIAN COMPROMISE TEXT
ON MARKING.

2. DETAILS. IN MAIDEN SPEECH, GDR (RAINTANZ) SAID
TREATY ON THE MOON SHOULD APPLY EXCLUSIVELY TO THE MOON.
REGISTRATION TREATY SHOULD BE CONCLUDED AT CURRENT SESSION
IN VIEW OF HELPFUL STATEMENTS BY USSR AND CANADA ON
7 MAY SOUNDED HARD LINE ON DIRECT BROADCAST SATELLITES,
NAMELY THAT BROADCASTING WITHOUT THE CONSENT OF THE
RECEIVING STATE CONSTITUTES A VIOLATION OF STATE SO-
VEREIGNTY AND AN INTERFERENCE IN THE INTERNAL AFFAIRS
OF THE STATE.

3. AUSTRALIA (MORRISON) ANNOUNCED A CHANGE IN ITS
POSITION ON REGISTRATION. MORRISON SAID AUSTRALIA
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WOULD WITHDRAW ITS RESERVATION OF LAST YEAR TO ENTIRE

DRAFT TREATY TEXT SINCE GOA WAS NOW WILLING TO ACCEPT A VOLUNTARY MARKING PROVISION PROVIDED THAT A SATISFACTORY REVIEW CLAUSE IS AGREED.

4. FRG (RANDERMANN) ALSO STATED THAT, NOTWITHSTANDING BONN'S PREFERENCE FOR COMPULSORY MARKING, IT WOULD ACCEPT VOLUNTARY MARKING WITH ASSOCIATED OBLIGATORY REPORTING REQUIREMENT AS PROPOSED BY CANADA (SEE PARA 7 BELOW). ON MOON TREATY, FRG SAW NATURAL RESOURCES PROBLEM AS REQUIRING BALANCING OF LDC INTERESTS WITH NEED TO AVOID DISCOURAGING FURTHER INVESTMENT IN SPACE PROGRAMS.

5. FRANCE (CHARVET) DREW ATTENTION TO EXTENSIVE FRENCH COOPERATION WITH UK AND USSR ON METEOROLOGICAL STUDIES, WITH INDIA AND US IN SOUNDING ROCKETS, AND WITH US IN SKYLAB ULTRAVIOLET RESEARCH. FRANCE ALSO HOPED TO DEVELOP COOPERATION WITH US IN SOLAR OBSERVATORY PROGRAM, CHARVET SAID. ON MOON TREATY, FRANCE HAD "BURNING DESIRE" TO CONCLUDE NEGOTIATIONS AND TO THIS END WOULD SUPPORT ANY REASONABLE COMPROMISE PROPOSALS ON DISPUTED QUESTIONS. ON REGISTRATION FRANCE APPRECIATED CHANGE OF POSITION BY THOSE (E.G., US) WHO HAD ORIGINALLY OPPOSED THE CONCEPT OF A MANDATORY REGISTRATION TREATY. WHILE FRANCE HAD SINCE 1968 FAVORED COMPULSORY MARKING, SHE WOULD WORK FOR CONSENSUS NOW AND THERE WAS ALWAYS POSSIBILITY OF REVERTING TO MARKING MATTER UNDER THE REVISION CLAUSE PROCEDURE IF TECHNOLOGICAL DEVELOPMENTS WERE TO MAKE THIS APPROPRIATE. CHARVET APPEALED TO DELS TO ACCEPT COMPROMISE AND ENABLE VERY QUICK COMPLETION OF REGISTRATION TREATY SO OSLS COULD GET TO DBS, WHICH FRANCE THOUGHT DESERVED EXTREMELY HIGH PRIORITY. RECALLING EARLIER FRENCH SET OF DRAFT PRINCIPLES, HE SAID LEGAL SUBCOMMITTEE SHOULD BEGIN DRAFTING WORK WITHOUT DELAY, TO EXTENT CONSENSUS EXISTS. UNLIMITED RIGHT TO CONDUCT INTERNATIONAL DBS WOULD LICENSE THE ENTRY "OF A FOX INTO A HENHOUSE", CHARVET COMMENTED. FINALLY, FRANCE THOUGHT LEGAL SUBCOMMITTEE MUST AT SOME POINT BEGIN WORK ON DEFINITION/DELIMITATION OF OUTER SPACE, WHICH REMAINS AN IMPORTANT QUESTION. CHARVET FORESAW MOUNTING PROBLEMS OF CONFLICTS BETWEEN AIR AND SPACE LAW. LIMITED OFFICIAL USE

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6. CZECHOSLOVAKIA SUPPORTED 1973 UK/BULGARIAN MOON TREATY PROPOSAL ON SCOPE, ACCORDING TO WHICH THE TREATY SHOULD BE DRAFTED IN TERMS OF ACTIVITIES ON THE MOON BUT ARTICLE SHOULD BE ADDED APPLYING THE PROVISIONS OF THE TREATY TO ACTIVITIES ON OTHER CELESTIAL BODIES UNLESS AND UNTIL AGREEMENT ON A SPECIFIC PLANET WAS NEGOTIATED. CZECHOSLOVAK REP PREDICTABLY SUPPORTED

USSR SUGGESTIONS FOR COMPROMISE ON NATURAL RESOURCES PROVISIONS. SINCE "COMMON HERITAGE" WAS UNACCEPTABLE TO NUMBER OF DELS INCLUDING HIS, HE SUGGESTED DRAWING ON OUTER SPACE TREATY, ACCORDING TO WHICH EXPLORATION AND USE OF OUTER SPACE SHOULD BE DIRECTED TO BENEFIT OF ALL COUNTRIES. CZECHOSLOVAKIA THOUGHT CURRENT SESSION SHOULD SEE COMPLETION OF REGISTRATION TREATY.

7. THEREAFTER REGISTRATION WORKING GROUP MET TO HEAR CANADA (MILLER) EXPLAIN CANADIAN INTER-SESSIONAL CONSULTATIONS IN TWO ROUNDS, FIRST WITH COUNTRIES OPPOSING MARKING, THEREAFTER WITH THOSE FAVORING MANDATORY MARKING. BOTH ROUNDS WERE ENCOURAGING AND THERE WAS A VERY REAL POSSIBILITY OF REACHING AGREEMENT BASED ON OUTER SPACE COMMITTEE'S JUNE 1973 PROPOSED ARTICLE III BIS IF PHRASE "IF IT CONSIDERS IT USEFUL" WERE DELETED. TO THIS END CANADA HAD TABLED A REVISED ART III BIS READING (COMMENT: PER US INSTRUCTION END COMMENT): "IN ANY CASE WHEN A SPACE OBJECT LAUNCHED INTO EARTH ORBIT OR BEYOND IS MARKED WITH THE APPROPRIATE INTERNATIONAL DESIGNATOR OR REGISTRATION NUMBER REFERRED TO IN ARTICLE III(1) (B), THE STATE OF REGISTRY SHALL INFORM THE SECRETARY-GENERAL OF THIS FACT. IN SUCH CASE, THE SECRETARY-GENERAL SHALL RECORD THIS INFORMATION IN THE CENTRAL REGISTER TOGETHER WITH INFORMATION REGARDING THE SPACE OBJECT FURNISHED IN ACCORDANCE WITH ARTICLE III."

8. FRANCE AS COSPONSOR OF DRAFT TREATY SUPPORTED CANADIAN PROPOSAL. AUSTRIAN CHAIRMAN THEREUPON UNWISELY ASKED WHETHER SILENCE OF OTHERS MEANT THEY AGREED. ARGENTINA (COCOA) SAID IT WISHED TIME TO CONSULT CANADA AND FRANCE AS TO A POSSIBLE ARGENTINE PROPOSAL OF LIMITED OFFICIAL USE

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WHICH SPANISH AND ENGLISH TEXTS HAD BEEN PREPARED. BRAZIL (SEIXAS-CORREA) SAID THE MATTER SHOULD NOT BE HURRIED; WHILE AN "EXCELLENT BASIS FOR DISCUSSION" CANADIAN PROPOSAL SHOULD BE REVISED TO REQUIRE THAT SYG BE INFORMED OF VOLUNTARY MARKING AT SAME TIME AS LAUNCHING STATE TRANSMIT OTHER INFORMATION CONCERNING THE LAUNCHING PER ART III. ALSO, THE CONVENTION SHOULD SOMEWHERE MENTION THAT DEVELOPMENT OF TECHNOLOGICAL AND ECONOMIC CONDITIONS COULD EVENTUALLY MAKE COMPULSORY MARKING A PRACTICABLE REALITY. MEXICO (VALLARTA) PROPOSED THAT FURTHER DISCUSSION BE DELAYED TO AFFORD "THE GROUP OF 77 MEMBERS" TO CONSULT. (COMMENT: TO OUR KNOWLEDGE THIS MARKS THE FIRST REFERENCE IN AN OUTER SPACE COMMITTEE FORUM TO THE POSSIBILITY OF SPECIAL POSITIONS AND CONSULTATIONS AS AMONG MEMBERS OF THE GROUP OF 77.

IT IS NOT AN EXPECIALLY WELCOME DEVELOPMENT. WE SUSPECT THE PROPOSAL WAS DUE TO VALLARTA'S ACTIVISM RATHER THAN TO ANY INSTRUCTIONS FROM MEXICO CITY. END COMMENT).

9. US (REIS) AGREED WITH BRAZILIAN VIEW AS TO ABSENCE OF NEED FOR HASTE; POINTED OUT THAT EXISTING VOLUNTARY REGISTRATION SYSTEM PER 1961 UNGA RESOLUTION HAS NOT DONE BADLY FOR A DECADE AND WE WOULD BE QUITE PREPARED TO SEE IT CONTINUE.

10. INDIA SAID THAT WHILE THEIR POSITION HAS BEEN TO REGARD MANDATORY MARKING AS INDISPENSABLE ELEMENT IN REGISTRATION CONVENTION, THEY WOULD RECONSIDER IN VIEW OF THE CANADIAN EFFORT. THIS, HOWEVER, WOULD TAKE TIME.

11. GROUP OF 77 DELS TO MEET IN EARLY AFTERNOON 8 MAY FOLLOWED BY DISCUSSION BETWEEN CANADA/France AND, AS WORKING GROUP CHAIRMAN PUT IT, THOSE DELS "WHO HAVE SPECIFIC TEXTUAL PROPOSALS". USDEL WILL NOT PARTICIPATE SINCE DOING SO COULD CAST US IN POSTURE OF LOBBYING FOR CANADIAN TEXT AND COULD SUBSTANTIALLY INCREASE POSSIBLY GROWING TENDENCY TO SEE REGISTRATION CONVENTION IN TERMS OF POLARITY BETWEEN DEVELOPED COUNTRIES ON ONE HAND AND LESS-DEVELOPED ON OTHER. CANADA WILL BRIEF US ON OUTCOME.

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